

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-746055-D1 AND ALL
OTHER SEAMAN'S DOCUMENT

Issued to: Samuel H. MILLS

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1625

Samuel H. MILLS

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 7 November 1966, an Examiner of the United States Coast Guard at New Orleans, Louisiana, suspended Appellant's seaman's documents for two months upon finding him guilty of misconduct. The specification found proved allege that while serving as an able seaman on board the United States SS STELLA LYKES under authority of the document above described, on or about 23 August and 24 and 28 September 1966, Appellant wrongfully failed to perform his duties due to intoxication; and on or about 23 August 1966, wrongfully had intoxicating liquor in his possession.

Appellant did not appear at the hearing, so the Examiner entered a plea of not guilty to the charge and each specification.

The Investigating Officer introduced in evidence the shipping articles and official logbook of the vessel.

At the end of the hearing, the Examiner rendered an oral decision in which he concluded that the charge and specifications had been proved. The Examiner then served a written order on Appellant suspending all documents for a period of two months.

The entire decision was served on 8 November 1966. Appeal was timely filed on 1 December 1966.

FINDINGS OF FACT

On the dates alleged Appellant was serving as an able seaman on board the United States SS STELLA LYKES and acting under authority of his document while the ship was on a voyage to South Africa.

On 23 August 1966, while the vessel was at Capetown, South Africa, Appellant wrongfully failed to perform his duties due to intoxication.

On 23 August 1966, while the vessel was at Capetown, Appellant wrongfully had intoxicating liquor in his possession.

On 27 September 1966, while the vessel was at Durban, South Africa, Appellant wrongfully failed to perform his duties due to intoxication.

On 28 September 1966, while the vessel was Durban, Appellant wrongfully failed to perform his duties due to intoxication.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is contended that the order is too severe.

OPINION

The log entries were in proper form and constituted a prima facie case against Appellant.

Appellant was notified of the time and place of the hearing, but failed to appear.

The offenses proved against Appellant directly affect the discipline, and therefore the safety of all personnel aboard the vessel. The Examiner's order of two month's suspension is not deemed excessive for this kind of misconduct.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 7 November 1966, is **AFFIRMED**.

P. E. TRIMBLE
Vice Admiral, U. S. Coast Guard
Acting Commandant

Signed at Washington, D. C., this 26th day of May 1967.

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Order of Examiner

Commensurate with offense

Revocation or suspension

For failure to perform duties

For failure to perform duties due to intoxication

For wrongful possession of intoxicating liquor

Held appropriate